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Crl.OP.No.14873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.14873 of 2024

R.Ravi Jothi Aravind Balaji

... Petitioner

Vs.

C.Aruna

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order of depositing 20% of the cheque amount of Rs.1,20,000/- imposed on the petitioner in the order dated 03.06.2024 in Crl.MP.No.1242 of 2024 in Criminal Appeal No.41 of 2024 passed by the Principal Sessions Judge, Chengalpattu, allow this Crl.OP.

For Petitioner : Mr.Dr.G.Krishnamurthy
for Mr.J.B.Solomon Peter Kamal

Doss

ORDER

This Criminal Original Petition is filed challenging the conditional order imposed by the Appellate Court while entertaining suspension of sentence passed in a private complaint initiated under Section 138 of



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Negotiable Instruments Act.

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2. The sum and substance of the impugned order is that the accused is the petitioner herein to enjoy suspension of sentence till the disposal of the appeal, was directed to deposit 20% of the compensation amount i.e., Rs.1,20,000/- .

3. Challenging the same, the present petition is filed on the ground that the petitioner has a fair chance of success, erroneous order of the trial Court is under challenge and therefore, the petitioner need not be muttered with the burden of depositing 20% of the compensation amount in exercise of power under Section 148 of Negotiable Instruments Act.

4. Further, the learned counsel appearing for the petitioner submits that under Section 148 of Negotiable Instruments Act, the conditional order to deposit minimum 20% of the fine or compensation awarded by the trial Court for suspension of sentence, 60 days time ought to have given to the petitioner as per Sub Section 2 of Section 148 of Cr.P.C. Whereas, the learned Appellate Court has granted one month time. He further submits that the petitioner is 26 years old man has no adequate source to deposit the money. The transaction is only between his father and the complainant.



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5. In this petition, challenges the conditional order imposed by the Court below, the merits of the case need not be discussed except whether the matter reserved to impose 20% of the compensation amount to be deposited as pre condition or not. Whether 30 days time granted to deposit the money is in consonance with Section 148(2) of N.I.Act or not.

6. Considering the provisions of the Negotiable Instruments Act, particularly, under Section 148(2), this Court is of the view that the lower Appellate Court is empowered to impose minimum 20% of the compensation amount as pre condition while granting suspension of sentence.

7. However, for depositing the said amount, 60 days time ought to have been granted, whereas in the impugned order this Court finds that only 30 days time granted.

8. Taking note of this fact and the inability expressed by the petitioner herein to mobilize the money, time to deposit Rs.1,20,000/- is extended up to 07.08.2024. The other conditions imposed by the Court below for suspension of sentence is confirmed. Thereby, the application to modify the order is disposed of.

26.06.2024



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1. The Principal Sessions Judge,
Chengalpattu.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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